

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GERALD ABNER,

Plaintiff,

v.

Case No. 09-cv-14051

ASSORTMENT OF DEFENDANTS,

Defendants.

**ORDER DENYING PLAINTIFF'S "MOTION" and "Motion # 2," DIRECTING THE
CLERK OF THE COURT TO STRIKE AND REMOVE THE MOTIONS, AND
TERMINATING PLAINTIFF'S APPLICATION TO PROCEED IN FORMA PAUPERIS**

In October 2009, pursuant to 28 U.S.C. § 1915(e)(2), the court summarily dismissed the above-captioned case and struck Plaintiff Gerald Abner's Complaint from the docket, finding the allegations in the rambling, nearly inscrutable Complaint "baseless, immaterial, and . . . scandalous." (10/23/2009 Order 2, Dkt. # 1.) On July 19, 2012, Plaintiff filed on the court's docket a document entitled "Motion," which like the earlier filed Complaint is an incoherent rant that dozens of individuals have harmed him. Plaintiff then filed a second motion—equally incoherent—on August 13, 2012, entitled "Motion # 2." In both motions, Plaintiff requests that the court "process this case, Gerald Abner v. Theodore Levin United States Courthouse[,] to bill them for \$90 Million Dollars [sic]." (Pl.'s Mot. 7, Dkt. # 5.) The court will deny both motions and will once again direct the Clerk of the Court to strike and remove the motions from the court's docket pursuant to Federal Rule of Civil Procedure 12(f).

In its October 2009 order summarily dismissing Plaintiff's Complaint, the court reminded Plaintiff that he has been enjoined from "from filing any new complaints in the United States District Court for the Eastern District of Michigan against any defendant without first seeking and obtaining leave of Court." *Abner v. Ford, Jr.*, No. 03-72721 (E.D. Mich. July 22, 2003), and warned him that similar conduct, *i.e.*, the filing of baseless, immaterial, and scandalous documents, in the future may subject him to monetary sanctions under Rule 11(b) and (c). The court will offer him one final warning and an opportunity to conform to the court's orders. Any additional filings alleging unsupported, fantastic, and delusional scenarios will no doubt result in sanctions. Accordingly,

IT IS ORDERED that Plaintiff's "Motion" [Dkt. # 5] and "Motion # 2" [Dkt. # 6] are DENIED. The Clerk of the Court is DIRECTED to STRIKE and REMOVE the motions from the docket.

IT IS FURTHER ORDERED that Plaintiff's "Application to Proceed *In Forma Pauperis*" [Dkt. # 4] is TERMINATED AS MOOT.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 21, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 21, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522